BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2002-157-C - ORDER NO. 2002-592

IN RE:	11)	ORDER GRANTING
	Inc. for a Certificate of Public Convenience)	CERTIFICATE
	and Necessity to Provide Interexchange and)	
	Local Exchange Telecommunications within)	
	the State of South Carolina; and for)	
	Alternative and Flexible Regulation.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of the Application of Awesome Communications, Inc. (Awesome Communications or the Company) for authority to provide resold and non-facilities-based local exchange and intrastate interexchange telecommunications services within the State of South Carolina. The Company requests that the Commission regulate its local telecommunications services in accordance with the principles and procedures established for flexible regulation in Order No. 98-165 in Docket No. 97-467-C. In addition, the Company requests that the Commission regulate its business service offerings identical to that granted to AT&T Communications in Order Nos. 95-1734 and 96-55 in Docket No. 95-661-C. The Application was filed pursuant to S.C. Code Ann. Section 58-9-280 (Supp. 2001), and the Rules and Regulations of the Commission.

By letter, the Commission's Executive Director instructed the Applicant to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the

areas affected by the Application. The purpose of the Notice of Filing was to inform interested parties of the manner and time in which to file the appropriate pleadings for participation in the proceedings. The Applicant complied with this instruction and provided the Commission with proof of publication of the Notice of Filing. A Petition to Intervene was received from the South Carolina Telephone Coalition ("SCTC").

On July 8, 2002, counsel for SCTC filed with the Commission a Stipulation in which the Applicant stipulated that it would seek authority in non-rural local exchange ("LEC") service areas of South Carolina and that it would not provide any local service to any customer located in a rural incumbent's service area, unless and until Awesome Communications provided written notice of its intent to do so at least thirty (30) days prior to the date of the intended service. The Company also stipulated that it was not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas. Awesome Communications agreed to abide by all State and Federal laws and to participate to the extent that it may be required to do so by the Commission in support of universally available telephone service at affordable rates. The SCTC withdrew its opposition to the granting of a statewide Certificate of Public Convenience and Necessity to the Company provided the conditions contained in the Stipulation are met. The Stipulation is approved and attached as Order Exhibit 1.

A hearing was commenced on July 25, 2002, at 11:30 a.m. in the Commission's Hearing Room. The Honorable Mignon Clyburn, Chairman, presided. Awesome Communications was represented by William Key, Esquire. Marvin Barnwell, President

for the Company, appeared and testified on behalf of the Company. Jocelyn G. Boyd, Staff Counsel, represented the Commission Staff.

Barnwell presented testimony to demonstrate the Company's financial, managerial, and technical ability to provide the telecommunications services for which authority is sought in South Carolina. The sole witness also presented testimony regarding his background and experience in business and telecommunications. According to the record, Barnwell has worked in the military for twenty-four years as a Satellite Communications Technician where his duties included working with land-mobile telecommunications equipment, microwave equipment, radar equipment and telephone switching equipment. Further, Barnwell was employed by Motorola as the European Service Manager for fourteen years in the telecommunication branch for the Federal Government. Additionally, Barnwell has also worked as an independent agent for several CLECs offering local and long distance services. Presently, Barnwell is certified as an independent public payphone provider and he installs and maintains payphones in the Augusta, Georgia area.

Awesome Communications is a Georgia corporation that has received authorization to transact business within South Carolina. Regarding the services the Company seeks to provide in South Carolina, the testimony reveals that Awesome Communications proposes to provide a variety of resold inbound and outbound interexchange telecommunications services, including switched and dedicated access 1+, "800" and travel card services for the direct transmission and reception of voice and data between locations throughout the State of South Carolina. The Company also intends to

provide prepaid local exchange service in South Carolina as a reseller of the incumbent local exchange company's facilities. As Awesome Communications will be operating as a reseller of local exchange and long distance service, the Company's traffic will be routed entirely over the network of its underlying carriers. Additionally, Awesome Communications will rely on its facilities-based underlying carriers for the operation and maintenance of the local exchange and interexchange networks. Awesome Communications' services will be offered to both business and residential subscribers, and will be available to subscribers twenty-four hours per day, seven days per week.

The testimony reveals further that Awesome Communications will at all times provide and market services with current Commission policies. In particular, the Company is familiar with Commission Order No. 93-462 regarding resale of intraLATA telecommunications services and will attempt to comply with the terms of that Order in every respect possible. Additionally, Awesome Communications at all times will provide interstate services in compliance with the FCC rules and regulations. The Company intends to market its services through direct sales by and through an independent contractor.

Regarding personnel of the Company other than Mr. Barnwell, William Key is the Company's attorney. Brian Stentz is the Company's Consultant. Mr. Stentz has been in telecommunications since 1988. He began with AT&T Global Systems as an Account Executive. Since then he has designed and marketed telephone systems, wide area network, local dial tone, long distance services, prepaid services, data circuits, and data

communications equipment. Additionally, Stentz has been the corporate officer of record, representing a CLEC with the Public Service Commission in eleven states.

Awesome Communications' customer service representatives are available to assist the Company's customers and to promptly respond to all customer inquiries. The Company's toll free number will be printed on customers' monthly billing statement. Barnwell testified further that the Company's customer service representatives are prepared to respond to a broad range of service matters, including inquiries regarding the types of services offered by Awesome Communications and the rates associated with the services; monthly billing statements, problems or concerns pertaining to a customer's current service; and general service matters.

Barnwell also testified that the residents of South Carolina will benefit from Awesome Communications' service and presence in South Carolina. The testimony reveals that customers in the Company's service territory will receive increased choice, improved quality of service, and heightened opportunities to obtain improved technology in the homes and businesses. Further, Barnwell opined that the granting of the certificate of authority to provide local exchange service will offer increased efficiency to the State's telecommunications infrastructure through greater reliability of services and an increase in competitive choices. The testimony reveals the Company's application to provide telecommunication services in other jurisdictions has never been denied; the Company has never been the subject of an investigation by any state regulatory body or by the FCC; and the Company agrees to abide by and comply with the Commission's rules, regulations, and Orders.

After full consideration of the applicable law, the Company's Application, and the evidence presented at the hearing, the Commission hereby issues its findings of fact and conclusions of law:

FINDINGS OF FACT

- 1. Awesome Communications is organized as a corporation under the laws of the State of Georgia and is authorized to do business as a foreign corporation in the State of South Carolina by the Secretary of State.
- 2. Awesome Communications is a provider of local exchange and interexchange telecommunications services and wishes to provide its services in South Carolina.
- 3. Awesome Communications has the managerial, technical, and financial resources to provide the services as described in its Application.
- 4. The Commission finds that Awesome Communication's "provision of service will not adversely impact the availability of affordable local exchange service." S.C. Code Ann. Section 58-9-280 (B)(3) (Supp. 2001).
- 5. The Commission finds that Awesome Communications will support universally available telephone service at affordable rates.
- 6. The Commission finds that Awesome Communications will provide services which will meet the service standards of the Commission.
- 7. The Commission finds that the provision of local exchange service by Awesome Communications "does not otherwise adversely impact the public interest." S.C. Code Ann. Section 58-9-280 (B)(5) (Supp. 2001).

CONCLUSIONS OF LAW

- 1. Based on the above findings of fact, the Commission determines that a Certificate of Public Convenience and Necessity should be granted to Awesome Communications to provide competitive intrastate resold and non-facilities-based non-rural local exchange service in South Carolina. The terms of the Stipulation between Awesome Communications and SCTC are approved, and adopted as a part of this Order. Any proposal to provide such service to rural service areas is subject to the terms of the Stipulation. In addition, Awesome Communications is granted authority to provide resold and non-facilities-based intrastate interLATA interexchange service and to originate and terminate toll traffic within the same LATA, as set forth herein, through the resale of intrastate Wide Area Telecommunications Services (WATS), Message Telecommunications Service (MTS), directory assistance, travel card service or any other services authorized for resale by tariffs of carriers approved by the Commission.
- 2. Awesome Communications shall file, prior to offering local exchange services in South Carolina, its final tariff of its local service offerings conforming to all matters discussed with Staff and comporting with South Carolina law in all matters. Awesome Communication's local telecommunications services shall be regulated in accordance with the principles and procedures established for flexible regulation first granted to NewSouth Communications by Order No. 98-165 in Docket No. 97-467-C. Specifically, the Commission adopts for Awesome Communications' competitive intrastate local exchange services a rate structure incorporating maximum rate levels with the flexibility for adjustment below the maximum rate levels that will have been

previously approved by the Commission. Further, Awesome Communications' local exchange service tariff filings are presumed valid upon filing, subject to the Commission's right within thirty (30) days to institute an investigation of the tariff filing, in which case the tariff filing would be suspended pending further Order of the Commission. Further, any such tariff filings will be subject to the same monitoring process as similarly situated competitive local exchange carriers.

3. The Commission adopts a rate design for the long distance services of Awesome Communications which are consistent with the principles and procedures established for alternative regulation of business service offerings set out in Order Nos. 95-1734 and 96-55 in Docket No. 95-661-C.

Under the Commission approved alternative regulation, the business service offerings of Awesome Communications including consumer card services, and operator services, are subject to a relaxed regulatory scheme identical to that granted to AT&T Communications in Order Nos. 95-1734 and 96-55 in Docket No. 95-661-C. However, pursuant to Order No. 2001-997 (Docket No. 2000-407-C), this Commission has modified alternative regulation by the re-imposition of rate caps with regard to certain "operator-assisted calls" where a customer uses a local exchange carrier's calling card to complete calls from locations which have not selected that local exchange carrier as the toll provider. Order No. 2001-997, dated November 8, 2001, imposed a maximum cap of \$1.75 for operator surcharges for such calls, and a maximum cap of \$0.35 related to the flat per-minute rate associated with these calls. Under this relaxed regulatory scheme, tariff filings for business services shall be presumed valid upon filing. The Commission

will have seven (7) days in which to institute an investigation of any tariff filing. If the Commission institutes an investigation of a particular tariff filing within the seven days, the tariff filing will then be suspended until further Order of the Commission. Any relaxation in the future reporting requirements that may be adopted for AT&T shall apply to Awesome Communications also.

- 4. With regard to the interexchange residential service offerings of Awesome Communications, the Commission adopts a rate design which includes only maximum rate levels for each tariff charge. A rate structure incorporating maximum rate levels has been previously adopted by the Commission. In Re: Application of GTE Sprint Communications Corporation, etc., Order No. 84-622, issued in Docket No. 84-10-C (August 2, 1984).
- Awesome Communications shall not adjust its interexchange residential rates below the approved maximum level without notice to the Commission and to the public. Awesome Communications shall file its proposed rate changes, publish its notice of such changes, and file affidavits of publication with the Commission two weeks prior to the effective date of the changes. However, the public notice requirement is waived, and therefore not required, for reductions below the maximum cap in instances which do not affect the general body of subscribers or do not constitute a general rate reduction. In Re: Application of GTE Sprint Communications, etc., Order No. 93-638, issued in Docket No. 84-10-C (July 16, 1993). Any proposed increase in the maximum rate level for interexchange residential services reflected in the tariff which would be applicable to the general body of the Company's subscribers shall constitute a general ratemaking

proceeding and will be treated in accordance with the notice and hearing provisions of S.C. Code Ann. §58-9-540 (Supp. 2001).

- 6. If it has not already done so by the date of issuance of this Order, Awesome Communications shall file its revised interexchange long distance tariff within thirty (30) days of receipt of this Order. The revised tariff shall be consistent with the findings of this Order and shall be consistent with the Commission's Rules and Regulations.
- 7. Awesome Communications is subject to access charges pursuant to Commission Order No. 86-584 in which the Commission determined that for access purposes resellers should be treated similarly to facilities-based interexchange carriers.
- 8. With regard to the Company's offering of interexchange services, an enduser should be able to access another interexchange carrier or operator service provider if the end-user so desires.
- 9. Awesome Communications shall resell the services of only those interexchange carriers or LECs authorized to do business in South Carolina by this Commission. If Awesome Communications changes underlying carriers, it shall notify the Commission in writing.
- 10. With regard to the origination and termination of toll calls within the same LATA, Awesome Communications shall comply with the terms of Order No. 93-462, Order Approving Stipulation and Agreement, in Docket Nos. 92-182-C, 92-183-C, and 92-200-C (June 3, 1993), with the exception of the 10-XXX intraLATA dialing requirement, which has been rendered obsolete by the toll dialing parity rules established

by the Federal Communications Commission, pursuant to the Telecommunications Act of 1996 (See, 47 CFR 51.209). Specifically, the Company shall comply with the imputation standard as adopted by Order No. 93-462 and more fully described in paragraph four of the Stipulation and Appendix B approved by Order No. 93-462.

11. The Company shall, in compliance with Commission regulations, designate and maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relations (complaint) matters, engineering operations, tests and repairs. In addition, the Company shall provide to the Commission in writing the name of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours.

Awesome Communications shall file the names, addresses and telephone numbers of these representatives with the Commission within thirty (30) days of receipt of this Order. The Company shall utilize the "Authorized Utility Representative Information" form which can be located at the Commission's website at www.psc.state.sc.us/forms to file the names of these representatives with the Commission. Further, the Company shall promptly notify the Commission in writing if the representatives are replaced.

- 12. Awesome Communications shall conduct its business in compliance with Commission decisions and Orders, both past and future, including but not limited to, any and all Commission decisions which may be rendered in Docket No. 96-018-C regarding local competition.
- 13. The Company is directed to comply with all Rules and Regulations of the Commission, unless a regulation is specifically waived by the Commission.

- Title 23, Chapter 47, South Carolina Code of Laws Ann., governs the 14. establishment and implementation of a "Public Safety Communications Center," which is more commonly known as a "911 system" or "911 service." Services available through a 911 system include law enforcement, fire, and emergency medical services. In recognition of the necessity of quality 911 services being provided to the citizens of South Carolina, the Commission hereby instructs Awesome Communications to contact the appropriate authorities regarding 911 service in the counties and cities where the Company will be operating. Contact with the appropriate authorities is to be made before providing voice or dial tone telephone service in South Carolina. Accompanying this Order is an information packet from the South Carolina Chapter of the National Emergency Number Association ("SC NENA") with contact information and sample forms. The Company may also obtain information by contacting the E911 Coordinator at the Office of Information Resources of the South Carolina Budget and Control Board. By this Order and prior to providing voice or dial-tone services within South Carolina, Awesome Communications shall contact the 911 Coordinator in each county, as well as the 911 Coordinator in each city where the city has its own 911 system, and shall provide information regarding the Company's operations as required by the 911 system.
- 15. Awesome Communications shall file annual financial information in the form of annual reports and gross receipts reports as required by the Commission. The annual report and the gross receipt report will necessitate the filing of intrastate information. Therefore, Awesome Communications shall keep financial records on an intrastate basis for South Carolina to comply with the annual report and gross receipts

filings. The "Annual Report for Competitive Local Exchange Carriers" form can be located at the Commission's website at www.psc.state.sc.us/forms. This form shall be utilized by the Company to file annual financial information with the Commission. Additionally, pursuant to the Commission's regulations, the Company shall file a "CLEC Service Quality Quarterly Report" with the Commission. The proper form for this report can be found at the Commission's website at www.psc.state.sc.us/forms/default.htm.

The Federal Communications Commission (FCC) in July of 2000 required 16. all telecommunications carriers throughout the United States to implement three-digit, 711, dialing for access to all Telecommunications Relay Services (TRS). The Commission issued a memorandum in March of 2001 instructing all South Carolina telecommunications carriers to implement the service completely by October of 2001. All competitive local exchange carriers (CLECs) and incumbent local exchange carriers (ILECs) were instructed to include language in their tariffs introducing 711 as a new service offering with deployment by July 1, 2002, and to translate 711 dialed calls to 1-800-735-2905. All Payphone Service Providers (PSPs) were instructed to modify their programmable phones to translate calls dialed as 711 to their assigned TRS toll free number 1-800-735-2905 in order to route 711 calls to the TRS provider before October 1, 2001. Additionally, telephone directories were required to be updated and bill inserts promoting 711 were also required. This Company must comply with the applicable mandates. For complete information on compliance with this FCC and Commission requirement, go to the Commission's website at www.psc.state.sc.us/forms.

17. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

Chairman

ATTEST:

Com E. Wolsh

EXECUTIVE

(SEAL)

Order Exhibit No. 1 Docket No. 2002-157-C – Order No. 2002-592 August 21, 2002

BEFORE

THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

Docket No. 2002-157-C

Re:	Application of Awesome Communications, Inc	c.)	
	for a Certificate of Public Convenience and)	
	Necessity to Provide Local Exchange and)	
	Interexchange Telecommunications Services	}	
	as a Non-facilities-based Telecommunications)	STIPULATION
	Service Provider)	
)	

The South Carolina Telephone Coalition ("SCTC") (see attachment "A" for list of companies) and Awesome Communications, Inc. ("Awesome Communications") hereby enter into the following stipulations. As a consequence of these stipulations and conditions, SCTC does not oppose Awesome Communications' Application. SCTC and Awesome Communications stipulate and agree as follows:

- 1. SCTC does not oppose the granting of a statewide Certificate of Public Convenience and Necessity to Awesome Communications, provided the South Carolina Public Service Commission ("Commission") makes the necessary findings to justify granting of such a certificate, and provided the conditions contained within this stipulation are met.
- 2. Awesome Communications stipulates and agrees that any Certificate which may be granted will authorize Awesome Communications to provide service only to customers located in non-rural local exchange company ("LEC") service areas of South Carolina, except as provided herein.

- 3. Awesome Communications stipulates that it is not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas.
- 4. Awesome Communications stipulates and agrees that it will not provide any local service, by its own facilities or otherwise, to any customer located in a rural incumbent LEC's service area, unless and until Awesome Communications provides such rural incumbent LEC and the Commission with written notice of its intent to do so at least thirty (30) days prior to the date of the intended service. During such notice period, the rural incumbent LEC will have the opportunity to petition the Commission to exercise all rights afforded it under Federal and State law. Also, Awesome Communications acknowledges that the Commission may suspend the intended date for service in rural LEC territory for ninety (90) days while the Commission conducts any proceeding incident to the Petition or upon the Commission's own Motion, provided that the Commission can further suspend the implementation date upon showing of good cause.
- 5. Awesome Communications stipulates and agrees that, if Awesome Communications gives notice that it intends to serve a customer located in a rural incumbent LEC's service area, and either (a) the Commission receives a Petition from the rural incumbent LEC to exercise its rights under Federal or State law within such 30-day period, or (b) the Commission institutes a proceeding of its own, then Awesome Communications will not provide service to any customer located within the service area in question without prior and further Commission approval.
- 6. Awesome Communications acknowledges that any right which it may have or acquire to serve a rural telephone company service area in South Carolina is subject to the conditions contained herein, and to any future policies, procedures, and guidelines relevant to such proposed service which the Commission may implement, so long as such policies, procedures, and guidelines do not conflict with Federal or State law.

- 7. The parties stipulate and agree that all rights under Federal and State law are reserved to the rural incumbent LECs and Awesome Communications, and this Stipulation in no way suspends or adversely affects such rights, including any exemptions, suspensions, or modifications to which they may be entitled.
- 8. Awesome Communications agrees to abide by all State and Federal laws and to participate, to the extent it may be required to do so by the Commission, in the support of universally available telephone service at affordable rates.
- 9. Awesome Communications hereby amends its application and its prefiled testimony in this docket to the extent necessary to conform with this Stipulation.

AGREED AND STIPULATED to this 15t day of July

Awesome Communications, Inc.:

Marin Bainul

South Carolina Telephone Coalition:

M. John Bower, Jr. Margaret M. Fox

McNair Law Firm, P.A.

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(803) 799-9800

Attorneys for the South Carolina Telephone Coalition

ATTACHMENT A

South Carolina Telephone Coalition Member Companies for Purposes of Local Service Stipulation

ALLTEL South Carolina, Inc.

Chesnee Telephone Company

Chester Telephone Company

Farmers Telephone Cooperative, Inc.

Ft. Mill Telephone Company

Heath Springs Telephone Company Inc.

Home Telephone Company, Inc.

Lancaster Telephone Company

Lockhart Telephone Company

McClellanville Telephone Company

Norway Telephone Company

Palmetto Rural Telephone Cooperative, Inc.

Piedmont Rural Telephone Cooperative, Inc.

Pond Branch Telephone Company

Ridgeway Telephone Company

Rock Hill Telephone Company

Sandhill Telephone Cooperative, Inc.

St. Stephen Telephone Company

West Carolina Rural Telephone Cooperative, Inc.

Williston Telephone Company

BEFORE

THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

Docket No. 2002-157-C

Re:	Application of Awesome Communications, Inc	.)	
	for a Certificate of Public Convenience and)	
	Necessity to Provide Local Exchange and)	CERTIFICATE OF
	Interexchange Telecommunications Services)	GEDVICE
	as a Non-facilities-based Telecommunications)	SERVICE
	Service Provider)	
)	

I, ElizaBeth A. Blitch, do hereby certify that I have this date served one (1) copy of the foregoing Stipulation upon the following party of record by causing said copy to be deposited with the United States Mail, first class postage prepaid to:

William O. Key, Jr., Esquire Key and Key, P.C. Post Office Box 15057 Augusta, Georgia 30919

ElizaBeth A. Blitch, Legal Assistant

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July 2, 2002

Columbia, South Carolina